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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re: METHYL TERTIARY BUTYL ETHER :  
("MTBE") PRODUCTS LIABILITY :  
LITIGATION :  
:  
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Master File No. 1:00-1898  
MDL 1358 (SAS)  
M21-88

**This document relates to:**

*City of Merced Redevelopment Agency v.*  
*ExxonMobil Corp. et al.*, No. 08 Civ. 6306 (SAS)  
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### **DECLARATION OF SARAH S. NORMAND**

SARAH S. NORMAND, pursuant to 28 U.S.C. § 1746, declares as follows:

1. I am an Assistant United States Attorney in the office of Lev L. Dassin, Acting United States Attorney for the Southern District of New York, attorney for the United States of America. I have been assigned to represent the United States of America ("United States") in this matter.

2. I submit this declaration in support of the United States' intervention in this action, pursuant to 28 U.S.C. § 2403(a), to defend the constitutionality of Section 1503 of the Energy Policy Act of 2005, Pub. L. No. 109-58, 119 Stat. 594, 1076 (2005) ("EPACT").

3. Attached hereto as Exhibit A is a true and correct copy of the complaint filed in this action by plaintiff the City of Merced Redevelopment Agency on or about April 3, 2008.

4. Attached hereto as Exhibit B is a true and correct copy of the notice of removal filed in this action by defendants on or about May 21, 2008.

5. Attached hereto as Exhibit C is a true and correct copy of the answer filed in this action by defendant ExxonMobil Corporation on or about June 27, 2008.

6. Attached hereto as Exhibit D is a true and correct copy of the Conditional Transfer Order issued on July 9, 2008, by the United States Judicial Panel on Multidistrict Litigation, transferring this case to the Southern District of New York.

7. Attached hereto as Exhibit E is a true and correct copy of the Order to Show Cause issued by this Court on November 12, 2008.

8. Attached hereto as Exhibit F is a true and correct copy of the letter, dated February 27, 2009, by which this Court certified to the Attorney General of the United States, pursuant to 28 U.S.C. § 2403(a), that the constitutionality of Section 1503 of the EPACT had been called into question in the litigation.

9. Attached hereto as Exhibit G is a true and correct copy of the Order dated April 24, 2009, extending the United States' time to intervene in this action.

10. Attached hereto as Exhibit H is a true and correct copy of the United States' Complaint in Intervention, filed in this action on June 29, 2009.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
June 29, 2009

s/ Sarah S. Normand  
SARAH S. NORMAND  
Assistant United States Attorney